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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,284	11/28/2000	Richard Leach Tagg		7550

7590

03/01/2002

Edwin D. Schindler
Five Hirsch Avenue
P. O. Box 966
Coram, NY 11727-0966

EXAMINER

ADDIE, RAYMOND W

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,284

Applicant(s)

TAGG, RICHARD LEACH

Examiner

Raymond W. Addie

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 13, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson # 4,681,302.

Thompson discloses a barrier section (10) comprising:

A narrow upright portion (176) having one or more projections (36) at each end.

A generally wide base portion (12).

Respective male/female ends of said barrier further comprising:

A plurality of projections, in the form of a nose portion (36a), having a surface of rotation, similar to the profile of said base portion (12). See Fig. 49.

A plurality of recesses (38). Said projections and recesses being able to interconnect such that a central bore (40) is formed to vertically receive a support post (42).

See Figs. 4, 11, 12, 14, 42, 49; Col. 5, line 25-col.6, line 19.col. 9, lines 7-39, col. 14, lines 17-26.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Galli et al. # 5,676,350.

Thompson discloses essentially all that is claimed, to include the use of male (120) and female (130) end pieces. What Thompson does not disclose is the use of threaded posts and weighted base members.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Galli et al., as applied to claim 8 above, and further in view of Smith et al. # 4,240,766.

Thompson in view of Galli et al. discloses essentially all that is claimed, except for threaded anchor posts and bases.

However, Smith et al. discloses a traffic delineator (1) comprising: A vertical post (5) having a male threaded end and a base (2) having a female threaded recess (8) for receiving said post (5).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Galli, as applied to claim 8 above, and further in view of WO 97/09485.

Thompson in view of Galli et al. discloses essentially all that is claimed, except for the use of a tension strap. However, Adcock, as cited by the Applicant, teaches a traffic barrier system(10) comprising: A plurality of barrier elements (10, 11, 12) forming an elongated barrier.

A tension strap (3) passing through a plurality of apertures through said barrier elements, such that said barrier elements are secured to one another. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the barrier system of Thompson in view of Galli et al., with a tension strap, as taught by Adcock, in order to increase the load strength of the barrier system.

Conclusion

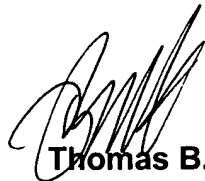
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bauer # 540,085 discloses a fence system. Tagg D439,935 discloses a road barrier. Englund # 6,203,242 discloses a crash barrier.

McCallum # 6,164,865 discloses an interlocking barrier system. Arthur # 6,276,667 B1 discloses a concrete barrier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Mon-Fri from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600